



Honorable Linda B. Riegle
United States Bankruptcy Judge



Entered on Docket

November 29, 2011

~~LEWIS AND ROCA LLP~~

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**ORDER SUSTAINING SIXTEENTH
OMNIBUS OBJECTION OF USACM
LIQUIDATING TRUST TO DUPLICATE
PROOFS OF CLAIM**

Hearing Date: November 15, 2011

Hearing Time: 9:30 a.m.

The Court having considered the Sixteenth Omnibus Objection Of USACM Liquidating Trust To Duplicate Proofs Of Claim [DE 9393], (the "Objection"); at the hearing held on November 15, 2011; appropriate notice of the Objection having been given; no responses having been filed; and good cause appearing:

IT IS ORDERED:

1. The Objection [DE 9393] is sustained; and

1 2. The Proofs of Claims listed on **Exhibit A** are disallowed to the extent they
2 are duplicative of another Proof of Claim filed by the same claimant as indicated on
3 Exhibit A attached.

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6 PREPARED AND RESPECTFULLY SUBMITTED BY:

7
8 **LEWIS AND ROCA LLP**

9 By /s/ John Hinderaker (AZ #018024)

10 Robert M. Charles, Jr.

11 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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USACM Trust**Duplicate Claims****Exhibit A**

Claim	Date Claim was Filed	Claimants Name and Address	Direct Lender Loan	Total Claim Amount	Amount Subject to Objection	Grounds for Objection
10725-00315	10/4/2006	Barroso, Pedro 3231 Cambridgeshire St Las Vegas, NV 89146-6223	Cabernet Highlands, LLC	168,017.76	25,000.00	Duplicate of 10725-01800
10725-00316	10/4/2006	Barroso, Pedro 3231 Cambridgeshire St Las Vegas, NV 89146-6223	Cabernet Highlands, LLC	168,017.76	25,000.00	Duplicate of 10725-01800
10725-01235	11/9/2006	Casey III, Richard F IRA 130 Lansberry Ct Los Gatos, CA 95032	HFAH Clear Lake, LLC	50,000.00	50,000.00	Duplicate of 10725-01473
10725-00159	8/14/2006	Chiappetta Trust Dated 4/1/03 c/o Part and Joann Chiappetta Trustees 118 Bee Creek Court Georgetown, TX 78633	Cabernet Highlands, LLC	50,000.00	50,000.00	Duplicate of 10725-00162
10725-00231	9/25/2006	Donald P Clark Family Trust Dtd 10/25/94 c/o Donald P. Clark Trustee 305 W Moana Ln Reno, NV 89509-4924	HFAH Clear Lake, LLC	709,011.56	100,00.00	Duplicate of 10725-02393
10725-01716-2	1/10/2007	Donna M Cangelosi Family Trust c/o Donna M Cangelosi Trustee 5860 Lausanne Dr Reno, NV 89511-5034	Cabernet Highlands, LLC	1,537,121.72	50,000.00	Duplicate of 10725-02379
10725-01934	1/11/2007	Donna M. Cangelosi Family Trust c/o Donna M. Cangelosi Trustee 5860 Lausanne Dr Reno, NV 89511-5034	Amesbury Hatters Point	4,078.51	4,078.51	Duplicate of 10725-02378
10725-01111	11/9/2006	Ernest W. Libman IRA 1709 Glenview Dr Las Vegas, NV 89134-6121	Amesbury Hatters Point	12,821.00	12,821.00	Duplicate of 10725-02458

USACM Trust**Duplicate Claims****Exhibit A**

Claim	Date Claim was Filed	Claimants Name and Address	Direct Lender Loan	Total Claim Amount	Amount Subject to Objection	Grounds for Objection
10725-01532	12/4/2006	Fine, Lewis H & Arlene J P.O. Box 598 Herber City, UT 84032	HFAH Clear Lake, LLC	80,000.00	80,000.00	Duplicate of 10725-01531
10725-00955	11/2/2006	Handal, John A 3575 Siskiyou Ct Hayward, CA 94542	HFAH Asylum, LLC	289,167.00	289,167.00	Duplicate of 10725-02286
10725-01465	11/17/2006	Handal, John A M 3575 Siskiyou Ct Hayward, CA 94542	HFAH Asylum, LLC	250,000.00	250,000.00	Duplicate of 10725-02286